

RD

Notice of Allowability

Application No.

10/783,600

Examiner

Phillip A. Johnston

Applicant(s)

SCHWARTZ, JAE C.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed 4-26-2006.
2. ☒ The allowed claim(s) is/are 4,5,8-20,24,25 and 28-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5-15-2006.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Detailed Action

1. This Office Action is submitted in response to the Amendment filed 4-12-2006, wherein claims 1-3,6,7,21-23,26 and 27 have been canceled, and claims 4,5,8,10,14-20,24,28,30, and 34-40 have been amended. Claims 4,5,8-20,24,25, and 28-40 are pending.

2. The applicant has complied with the requirements agreed to in the interview summary of 4-5-2006 (see attached), and thereby withdraws the rejections in the Office Action mailed 2-07-2006.

Allowable Subject Matter

3. Claims 4,5,8-20,24,25, and 28-40 are allowed

Examiner's statement of reasons for allowance

The following is an examiner's statement of reasons for allowance:

4. Claims 4,19,20,24,39, and 40 are allowed because prior art fails to show a mass spectrometer, a method of operating a mass spectrometer, and a computer program for operating a mass spectrometer where the mass spectrometer includes a source of ions, a mass analyzer, and a detector; the method comprising: calculating a

ratio of intensity values for at least two ions having different m/z values; and
calculating a gain of the detector or the number of ions based at least in part on the
ratio of intensity values.

5. Claims 5,8-18,25, and 28-38 are allowed by virtue of their dependency upon
allowed claims 4,19,20,24.

Any comments considered necessary by applicant must be submitted no later
than the payment of the issue fee and, to avoid processing delays, should preferably
accompany the issue fee. Such submissions should be clearly labeled "Comments on
Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications should be
directed to Phillip Johnston whose telephone number is (571) 272-2475. The examiner
can normally be reached on Monday-Friday from 6:30 am to 3:00 pm. If attempts to
reach the examiner by telephone are unsuccessful, the examiners supervisor John Lee
can be reached at (571) 272-2477. The fax phone number for the organization where
the application or proceeding is assigned is 571 273 8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for

Application/Control Number: 10/783,600
Art Unit: 2881

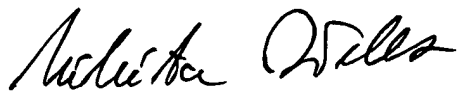
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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJ
May 15, 2006


NIKITA WELLS
PRIMARY EXAMINER 05/15/06